

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA
(MUSKOGEE)

UNITED STATES OF AMERICA

V.

BILLY JAMES MENEES (1)

NO. 6:21-CR-00151-TDD

DEFENDANT MENEES MOTION FOR THE COURT TO CONDUCT AN *EX*
***PARTE* INQUIRY INTO APPOINTMENT OF NEW COUNSEL**

TO THE HONORABLE TIMOTHY D. DEGIUSTI,
UNITED STATES DISTRICT JUDGE:

COMES NOW, Defendant, Billy James Menees, (“Mr. Menees”) by and through his attorney of record, Cody L. Cofer (“Counsel”), and hereby moves the Court to conduct an *ex parte* inquiry into whether the Court should appoint new counsel to represent Mr. Menees.

Statement of Objection: The Government does not oppose this motion.

In support, Mr. Menees would show:

On October 25, 2021, Mr. Menees filed a *pro se* “motion for new counsel/representation.” (ECF 88). On October 26, 2021, Mr. Menees and Counsel spoke on the phone about Mr. Menees’s desire to have new counsel appointed.

From review of the *pro se* pleading (ECF 88) and phone conversation, Counsel has identified no good cause to seek to withdraw from representing Mr. Menees. From no other source or occurrence has Counsel identified good cause to seek to withdraw from representation of Mr. Menees.

Notwithstanding Counsel's belief that withdrawal is not warranted, Mr. Menees has a Sixth Amendment right to representation by counsel and a right to present a complete defense. Counsel does believe it is appropriate for the Court to inquire into Mr. Menees's request for new counsel. The inquiry is necessary, if for no other reason, to allow Mr. Menees the opportunity to develop a clear record for appellate review as to whether Mr. Menees is receiving effective assistance of counsel and other related issues.

Trial is currently scheduled for February 8, 2022. (ECF 86). Should the Court promptly replace counsel, it is unlikely the change in counsel will result in further delay to the final disposition of this matter.

Request for Ex Parte Hearing

Mr. Menees requests the Court conduct the inquiry *ex parte* and seal the record of proceedings. Some of the matters addressed in Mr. Menees's *pro se* pleading and discussion with Counsel relate to trial strategy. Mr. Menees should not have to marshal his possible defense before the Government to preserve his complaint about his appointed counsel.

Counsel estimates the hearing will require 0.5 hours.

Prayer

WHEREFORE PREMISES CONSIDERED, Mr. Menees prays that in the above referenced and entitled cause, the Court conduct an *ex parte* inquiry into whether the Court should appoint new counsel to represent Mr. Menees, and grant Mr. Menees other such relief to which he may be entitled.

Respectfully submitted by,
/s/Cody L. Cofer
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CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2021, I electronically filed the foregoing document with the clerk for the U.S. District Court, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys for the parties.

/s/Cody L. Cofer
Cody L. Cofer

CERTIFICATE OF CONFERENCE

I hereby certify I conferred with the attorney for the Government. The Government does not object to this motion.

/s/Cody L. Cofer
Cody L. Cofer